

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 21053 of 2020

Arising Out of PS. Case No.-470 Year-2019 Thana- KESARIA District- East Champaran

1. GITA DEVI Wife of Birendra Ram Resident of Village - Gochi Keshariya, P.S.- Keshariya, District - East Champaran.
2. Sunki Devi Wife of Rambabu Ram Resident of Village - Mehshi Dalgawa, P.S.- Mehshi, District - East Champaran
3. Sarita Devi Wife of Suresh Ram Resident of Village - Sarai Sahebganj, P.S.- Sahebganj, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr Harendra Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 28-08-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioners apprehend their arrest in connection with Kesariya Police Station (for brevity, *PS*) Case No 470 of 2019



instituted for the offence punishable under Section (s) 498A, 304B, 201/34 of Indian Penal Code (for brevity, *IPC*).

The informant has alleged that merely four months after marriage of his sister, she has been done to death for non-fulfillment of demand of dowry.

Petitioners' counsel submits that from allegations levelled in the first information report (for brevity, *FIR*) itself describing petitioners' details, it is obvious that petitioners No 1 and 2 are married *Nanad* being residents of another place, namely, Village – Gochi Keshariya, PS – Keshariya, District – East Champaran and Village – Mehsi Dalgawa, PS – Mehsi, District – East Champaran respectively. Petitioner No 3 is also a distant relative who, as per description in the *FIR*, resides at Village – Sarai Sahebganj, PS – Sahebganj, District – Muzaffarpur. It is further submitted that it is a case of false implication based on suspicion. If at all, the liability would be of the husband and those members with whom she was residing after her marriage.

The learned APP for the State has opposed the prayer for bail. It is submitted that the offences are under Section 304B of *IPC* and are serious in nature.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event



of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, Motihari, East Champaran in connection with Kesariya PS Case No 470 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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